

APPEAL NO. 030144  
FILED MARCH 6, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 26, 2002. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the fourth, fifth, and sixth quarters, and that she has permanently lost entitlement to SIBs pursuant to Section 408.146 because she was not entitled to SIBs for twelve consecutive months as of July 30, 2002. The claimant appealed and the respondent (carrier) responded, asserting that the claimant's appeal is untimely and otherwise urging affirmance.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer has become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission (Commission) show that the Commission mailed the hearing officer's decision on Friday, December 12, 2002. The applicable law governing this case, Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §143.3(c) (Rule 143.3(c)), requires that an appeal, to be timely, must be filed or mailed not later than the 15th day after the date of receipt of the hearing officer's decision and received by the Commission not later than the 20th day after the date of receipt of the hearing officer's decision. Section 410.202 was amended June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. In accordance with amended Section 410.202, the appeal was due on January 13, 2003. The claimant's appeal was faxed to the Commission on January 17, 2003, and was also mailed to the Commission; however, the postmark is largely illegible but appears to be January 16, 2003. The faxed copy was filed on January 17, 2003, four days late. The mailed copy was filed on January 21, 2003, eight days late. Thus, the appeal is untimely and, by operation of Section 410.169, the hearing officer's decision has become final.

The true corporate name of the insurance carrier is **AIU INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge